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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN M. LEWIS,

Defendant.

Case No. 2:17-cr-00391-APG-VCF

**STIPULATION AND ORDER TO
CONTINUE SENTENCING
(FIFTH REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by and through Steven Myhre, Assistant United States Attorney and Patrick Burns, Trial Attorney, Department of Justice, Tax Division, and Defendant, Dustin M. Lewis, by and through his attorneys, Peter S. Christiansen and Kendele L. Works, that the Sentencing Hearing for Mr. Lewis, which is currently scheduled for August 17, 2021, be vacated and continued to a date and time convenient for this Court but no sooner than January 3, 2022.

This is the fifth stipulated request for a continuance of Mr. Lewis's sentencing date and is entered into for the following reasons:

1. On March 30, 2020, the Chief Judge for the District of Nevada entered General Order 2020-05, regarding Authorization for Video and Teleconferencing Under the CARES Act and The Exigent Circumstances Created by COVID-19 and Related Coronavirus (hereinafter "General Order"). The General Order addresses the material effect upon the functioning of the

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1 Court brought on by the COVID-19 and Coronavirus pandemic and finds, among other things,
 2 that for the duration of the General Order, in-person Rule 32 felony sentencing hearings cannot
 3 be conducted in the District of Nevada without seriously jeopardizing public health and safety.
 4 The General Order further provides that Rule 32 sentencing hearings may, with the consent of
 5 the defendant (upon advice of counsel), proceed by video or teleconference in individual cases,
 6 provided that the presiding Court specifically finds that to delay the matter further will cause
 7 serious harm to the interests of justice. *See also* CARES ACT, H.R. 748, Public Law No. 116-
 8 136. On June 25, 2021, the Chief Judge extended the General Order to remain in effect until
 9 September 27, 2021, unless terminated earlier.

10 2. The Court has previously ordered the continuance of the sentencing hearing in this
 11 matter based on the health concerns articulated in the General Order and defendant Lewis's
 12 desire for an in-person sentencing hearing.

13 3. Defendant Lewis continues to desire an in-person Rule 32 sentencing hearing and
 14 the parties agree that further delay to accommodate an in-person hearing will not cause serious
 15 harm to the interests of justice. Accordingly, a continuance of the Rule 32 sentencing hearing to
 16 January 2022, which is outside the current duration of the General Order, is appropriate and will
 17 advance the health and safety interests articulated in the General Order.

18 4. In addition to ongoing uncertainties and health concerns due to the COVID-19
 19 pandemic, the parties require at least until January 3, 2022, to determine their final positions on
 20 sentencing and to adequately prepare for the sentencing hearing. In particular, the parties
 21 continue to be engaged in discussions over issues related to sentencing that may impact not only
 22 the parties' position on sentencing before the Court but may also assist the Court in determining
 23 a just sentence in this matter.

24 5. Mr. Lewis is out of custody and does not object to this continuance.

25 6. The Government likewise agrees to the continuance.

26 7. The additional time requested herein is not sought for purposes of delay and the denial
 27 of this request could result in a miscarriage of justice.
 28

1 **WHEREFORE**, for all the foregoing reasons, the parties respectfully request that the
2 Court accept the Stipulation and continue the sentencing hearing in the matter to a date and time
3 convenient to the Court on or after January 3, 2022.

4 DATED: August 9, 2021.

5 CHRISTIENSEN LAW OFFICES

UNITED STATES ATTORNEY

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7 By /s/ Peter S. Christiansen
8 PETER S. CHRISTIENSEN
9 KENDELEE L. WORKS
Counsel for Dustin M. Lewis

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN M. LEWIS,

Defendant.

No. 2:17-CR-00391-APG-VCF

ORDER

This matter coming on the parties' Stipulation, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. Sentencing in this matter is presently set for August 17, 2021.
2. For the reasons set forth in the Stipulation, the defendant has requested a continuance of the sentencing hearing until on or after January 3, 2022.
3. Defendant Lewis is not in custody.
4. The government agrees to the continuance request set forth in the Stipulation.
5. Based on the agreement of the parties and for all the reasons stated in the Stipulation, the Court finds that a continuance of the sentencing hearing is appropriate.

Accordingly:

1. The Rule 32 sentencing hearing set for **August 17, 2021**, is hereby **VACATED** and **CONTINUED**; and

2. The Rule 32 sentencing hearing in this matter will commence on **March 10, 2022 at 9:00 a.m.** in LV Courtroom 6C before the Honorable Andrew P. Gordon.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE